

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

REQUEST FOR AGENCY ACTION OF
PETITIONER ALTON COAL
DEVELOPMENT, LLC, FOR REVIEW OF
THE FACT OF VIOLATION REGARDING
NOTICE OF VIOLATION 10092.

NOTICE OF HEARING

Docket No. 2012-012
Cause No. C/025/005-NOV10092

THE STATE OF UTAH TO ALL PERSONS INTERESTED IN THE FOLLOWING
MATTER.

Notice is hereby given that the Board of Oil, Gas and Mining ("Board"), State of Utah, will conduct a hearing on WEDNESDAY, March 28, 2012, at 9:00 AM, or as soon thereafter as possible, at the County Administration Building, Commission Chambers, 197 East Tabernacle, in St. George, Utah.

The hearing will be conducted as a formal administrative adjudication in accordance with the rules of the Board as set forth in Utah Administrative Code R641-100 through 641-119 *et seq.* as provided for by Utah Code Ann. § 40-10-1 *et seq.* and Utah Code Ann. § 63G-4-101 through 601.

The purpose of the hearing will be for the Board to receive argument, testimony and evidence regarding the above entitled Request for Agency Action asking that the Board enter an Order:

1. Vacating in its entirety the Fact of Violation of Notice of Violation 10092 ("NOV"), issued by the Division of Oil, Gas and Mining on December 5, 2011 at the Coal Hollow Mine, Kane County, Utah.
2. Providing such other relief as may be just and equitable under the circumstances.

Persons intending to object to the Request for Agency Action must file an objection with the Secretary of the Board at the address listed below no later than the 10th day of the month, or two weeks before the scheduled hearing, whichever is earlier. A party must file a timely written objection or other response in order to participate as a party at the Board hearing.


Natural persons may appear and represent themselves before the Board. All other representation by parties before the Board will be by attorneys licensed to practice law in the State of Utah, or attorneys licensed to practice law in another jurisdiction which meet the rules of the Utah State Bar for practicing law before the Utah Courts.

Persons interested in this matter may participate pursuant to the procedural rules of the Board. The Request for Agency Action, and any subsequent pleadings, may be inspected at the office of the undersigned.

Pursuant to the Americans with Disabilities Act, persons requiring auxiliary communicative aids and services to enable them to participate in this hearing should call Julie Ann Carter at (801) 538-5277, at least three working days prior to the hearing date.

DATED this 28th day of February, 2012.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING
James T. Jensen, Chairman



/s/ Julie Ann Carter
Board Secretary
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84116
(801) 538-5277

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF HEARING for Docket No. 2012-012, Cause No. C0250005-NOV10092 to be mailed with postage prepaid, this 28th day of February, 2012, to the following:

Snell & Wilmer, LLP
Denise A. Dragoo
James P. Allen
M. Lane Molen
15 West South Temple Suite 1200
Salt Lake City, Utah 84101

Steven F. Alder
Assistant Attorneys General
Utah Division of Oil, Gas & Mining
1594 West North Temple, Suite 300
Salt Lake City, UT 84116
[Via Email]

Michael S. Johnson
Assistant Attorneys General
Utah Board of Oil, Gas & Mining
1594 West North Temple, Suite 300
Salt Lake City, UT 84116
[Via Email]



CERTIFICATE OF PUBLISHED NOTICE

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF HEARING for Docket No. 2012-012, Cause No. C0250005-NOV10092 to be PUBLISHED in the following newspapers on the following days:

March 4, 2012:

The Salt Lake Tribune and Deseret Morning News, newspapers of general circulation in Salt Lake City and County.

March 7, 2012:

Southern Utah News, a newspaper of general circulation in Kane County.

March 8, 2012:

Garfield County Insider, a newspaper of general circulation in Garfield County.

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